



## Code of Ethics

### Statement of Policy

This document describes the policy on the statutory rules of ethical conduct by which Perpich Center employees must abide. Perpich Center employees hold positions of public trust under the scrutiny of public opinion. The public expects that Perpich Center employees will conduct themselves in a manner that will preserve public confidence in and respect for government. This code of ethics for employees of the Perpich Center is adopted in order to promote confidence in the integrity of governmental officials and to ensure the trust of the public in the objectivity of their public servants.

### Related Law

Minn Stat. 434A.38 Code of Ethics for Employees in the Executive Branch

### Definitions

*Business:* Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, or any other legal entity which engages either in nonprofit or profit-making activities.

*Code of Ethics:* Established regulations for all Perpich employees to avoid conflict of interest between job responsibilities and personal interests.

*Confidential information:* Any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.

*Conflict of Interest:* When an employee uses or attempts to use his/her official position to secure benefits or privileges for the employee, the employee's family, or an organization in which the employee is associated if those benefits and privileges are different from those available to the general public. Also, if an employee receives or accepts money or other employment or contractual relationship that will affect anything of value from anyone other than the state for an act which the employee is expected to perform in the regular hours of state employment or as part of his/her regular job duties.

*Employee:* Any classified or unclassified employee of the Perpich Center.

Gift: Money, real or personal property, service a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration or equal or greater value in return.

Personal Interest: An interest, including but not limited to a pecuniary interest, which pertains to a person, firm, corporation, or association whereby such entity would gain a specific benefit, privilege, exemption, or advantage from the action of the state agency.

Private Interest: Any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of a state agency or employee that is not available to the general public.

### **Acceptance of Gifts; Favors**

An employee of the Perpich Center may not accept a gift from a lobbyist or principal.

Employees of the Perpich Center, in the course of or in relation to their official duties, shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, gratuity, favor, service or promise of future employment or other future benefit from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law. However, the acceptance of any of the following shall not be a violation of this subdivision:

1. Gifts of nominal value or gifts or textbooks which may be accepted by state educational institution instructors pursuant to section 15.43;
2. Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause;
3. A trinket or similar memento recognizing individual services in a field of specialty or to a charitable cause;
4. Informational material of unexceptional value;
5. Food or beverage given, at a reception, meal, or meeting away from the employee's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program;
6. Payment of reimbursement expenses for travel or meals, not to exceed actual expenses incurred, which are not reimbursed by the state and which have been approved in advance by the appointing authority as part of the work assignment;
7. Honoraria or expenses paid for papers, talks, demonstrations, or appearances made by employees on their own time for which they are not compensated by the state.

The prohibitions in this section do not apply if the gift is given:

1. Because the employee's membership in a group, a majority of whose members are not official, and an equivalent gift is given to the other members of the group;  
or

2. By a lobbyist or principal who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family.

### **Use of Confidential Information**

An employee of the Perpich Center shall not use confidential information to further the employee's private interest, and shall not accept outside employment or involvement in a business or activity that will require the employee to disclose or use confidential information.

### **Use of State Property**

An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.

An employee may use state time, property, or equipment to communicate electronically with other persons including, but not limited to, elected officials, the employer, or an exclusive bargaining representative under chapter 179A, provided this use, including the value of the time spent, results in incremental cost that is so small as to make accounting for it unreasonable or administratively impractical.

### **Acceptance of Advantage by Perpich Employees**

No employee in direct contact with suppliers or potential suppliers to a state contract by establishing specification, testing purchased products, evaluating contracted services, or otherwise has official involvement in the purchasing or contract process may:

1. Have any financial interest or have any personal beneficial interest directly or indirectly in contracts or purchase orders for goods or services used by, or purchased for resale or furnished to a department or agency of the state; or
2. Accept directly or indirectly from a person, firm, or corporation to which a contract or purchase order has been or may be awarded, a rebate, gift, money, or anything of value other than items of nominal value. No such employee may further accept any promise, obligation, or contract for future reward.

### **Conflicts of Interest**

The following actions by an employee of the Perpich Center shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 43A.39 or disciplinary action as appropriate.

1. Use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

2. Acceptance of other employment or contractual relationship that will affect the employee's independence of judgment in the exercise of official duties;
3. Actions as an agent or attorney in any action or matter pending before the employing agency except in the proper discharge of official duties or on the employee's behalf; or
4. The solicitation of a financial agreement for the employee or entity other than the state when the state is currently engaged in the provision of services which are the subject of the agreement or where the state has expressed an intention to engage in competition for the provision of the services; unless the affected state agency waives this clause.

### **Determination of Conflicts of Interest**

When an employee believes the potential for a conflict of interest exists, it is the employee's duty to avoid the situation. A conflict of interest shall be deemed to exist when a review of the situation by the employee, the employee's supervisor or other designee of the appointing authority determines any one of the following conditions to be present:

1. The use for private gain or advantage of state time, facilities, equipment or supplies or badge, uniform, prestige or influence of state office or employment.
2. Receipt or acceptance by the employee of any money or other thing of value from anyone other than the state for the performance of an act which the employee would be required or expected to perform in the regular course or hours of state employment or as part of the duties as an employee.
3. Employment by a business which is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee.
4. The performance of an act in other than the employee's official capacity which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the employee.

### **Resolution of Conflict of Interest**

If the employee, the employee's supervisor or other designee determines that a conflict of interest exists, the matter shall be assigned to another employee who does not have a conflict of interest. If it is not possible to assign the matter to an employee who does not have a conflict of interest, interested persons shall be notified of the conflict and the employee may proceed with the assignment.